

Article 20A.

Rights of Victims of Delinquent Acts.

§ 7B-2051. Definitions.

(a) The following definitions apply in this Article:

- (1) Court proceeding. – Any open hearing authorized or required by this Subchapter and any closed hearing or portion of a closed hearing in which the victim, in accordance with G.S. 7B-2402, is permitted to be present. The term shall not include the first appearance described in G.S. 7B-1808 if the juvenile is in secure or nonsecure custody. If it is known by the juvenile court counselor and the district attorney's office that (i) the juvenile and the victim have a personal relationship as defined in G.S. 50B-1(b) and (ii) the hearing may result in the juvenile's release from custody, efforts will be made to contact the victim.
- (2) Family member. – A spouse, child, parent, guardian, legal custodian, sibling, or grandparent of the victim. The term does not include the accused.
- (3) Felony property offense. – An offense that, if committed by an adult, would constitute a felony violation of one of the following:
 - a. Subchapter IV of Chapter 14 of the General Statutes.
 - b. Subchapter V of Chapter 14 of the General Statutes.
- (4) Offense against the person. – An offense against or involving the person of the victim that, if committed by an adult, would constitute a violation of one of the following:
 - a. Subchapter III of Chapter 14 of the General Statutes.
 - b. Subchapter VII of Chapter 14 of the General Statutes.
 - c. Article 39 of Chapter 14 of the General Statutes.
 - d. Chapter 20 of the General Statutes, if an element of the act of delinquency involves impairment of the defendant, or injury or death to the victim.
 - e. A valid protective order under G.S. 50B-4.1, including, but not limited to, G.S. 14-134.3 and G.S. 14-269.8.
 - f. Article 35 of Chapter 14 of the General Statutes, if the elements of the act of delinquency involve communicating a threat or stalking.
 - g. An offense that triggers the enumerated victims' rights, as required by the North Carolina Constitution.
- (5) Victim. – A person against whom there is probable cause to believe a juvenile has committed an offense against the person or a felony property offense.

(b) If the victim is a minor or is legally incapacitated, a parent, guardian, or legal custodian may assert the victim's rights under this Article. The accused may not assert the victim's right. If the victim is deceased, then a family member, in the order set forth in the definition contained in this section, may assert the victim's rights under this Article, with the following limitations:

- (1) The guardian or legal custodian of a deceased minor has priority over a family member.
- (2) The right contained in G.S. 15A-834 may only be exercised by the personal representative of the victim's estate.

(c) An individual entitled to exercise the victim's rights as the appropriate family member in accordance with this section may designate any family member to act on behalf of the victim.

(d) An individual who, in the determination of the district attorney's office, would not act in the best interests of the victim shall not be entitled to assert or exercise the victim's rights. An

individual may petition the court to review this determination by the district attorney's office.
(2019-216, s. 10.)